

NEW POLICY

SUMMARY: REFLECTS THE ROLE OF THE DIRECTOR OF RESEARCH COMPLIANCE AND ETHICS AND THE POLICY FOR HIRING H 1-B EMPLOYEES ACCORDING TO CHANGES IN EXPORT CONTROL REGULATIONS



NORTH CAROLINA AGRICULTURAL AND TECHNICAL STATE UNIVERSITY

SEC. — RESEARCH COMPLIANCE AND ETHICS 1.0

EXPORT CONTROL MANAGEMENT UNIVERSITY POLICY

Federal Requirements

The Export Administration Regulations (EAR, 15 C.F.R. Parts 730-774) are promulgated and enforced by the Department of Commerce, and the International Traffic in Arms Regulations (ITAR, 22 C.F.R. Parts 120-130), promulgated and enforced by the Department of State, prohibit the export of specific unlicensed technologies for reasons of national security or protection of trade. The technology and technical data that are controlled for release to foreign persons are identified on the EAR's Commerce Control List (CCL) and the ITAR's U.S. Munitions List (USML).

The U.S. Government requires each company or other entity to certify that it has reviewed the EAR and ITAR and determined whether it will require a U.S. Government export license to release controlled technology or technical data to foreign persons. If an export license is required, then the company or other entity must further certify that it will not release or otherwise provide access to controlled technology or technical data to the beneficiary until it has received from the U.S. Government the required authorization to do so.

Statement of Compliance

It is the practice of North Carolina A & T State University that instruction, research, and services will be accomplished openly and without prohibitions on the publication and dissemination of the results of academic and research activities.

In its endeavor to conduct research, promote scholarly works, and conduct business transactions, North Carolina A & T State University will comply with all United States (U.S.) export control laws and regulations, including those implemented by the U.S. Department of Commerce (DOC) through its Export Administration Regulations (EAR) and the U.S. Department of State through its International Traffic in Arms Regulations (ITAR) as well as embargo regulations imposed by the U.S. Treasury Department through its Office of Foreign Assets Control (OFAC).

- The primary responsibility for compliance with export control regulations rests with the Principal Investigator since they have the expertise in the type of data and technology that will result from their research endeavors.
- The Office of Sponsored Programs (OSP) will review all agreement instruments under negotiation (e.g., sponsored programs, cooperative agreements, material transfer agreements [MTAs], non-disclosure agreements (NDAs), teaming agreements, and technical assistance agreements (TAAs) to identify likely export control issues.
- If export controls become an issue, the office of OSP and the Director of Research Compliance and Ethics will work with the PI and other researchers to make a formal determination. When necessary, the Office of Legal Affairs (OLA) will modify various agreements to include suitable export control clauses.
- If the agreement in question requires active control of its export activity, then the PI and any affiliated researchers will be required to review the **Export Control Review and Certification Form** (see Appendix B) and certify that they understand and comply with the statements on the form before NCA&T will agree to accept a formal agreement from
- The Director of Research Compliance and Ethics will oversee the process for obtaining a license from the U.S. government as required before a foreign national has access to hardware, information, or technology controlled by either the U.S. Department of Commerce or the U.S. Department of State.
- The Foreign National Employment Administrator in the Division of Human Resources is responsible for the certification of H-1 B applicants in accordance with export control regulations.

Principal Investigators Responsibilities

The Principal Investigators will:

- Read the export control guidelines and follow procedures for determining when regulatory requirements apply to planned and ongoing research activities.
- Notify the OSP of any changes in the scope or staffing of research projects that could alter initial determinations about the applicability of export control regulations; and
- Notify the OSP well in advance of sending scientific equipment, including GPS equipment, and encrypted software out of the country in order to determine whether a license is required; and
- Contact the OSP before engaging in research activities with persons in countries subject to OFAC boycott programs.
- Clear all graduate students completing a thesis as a requirement for completion of the masters degree, or a dissertation as a requirement for completion of the doctorate degree, under the auspices of a faculty member at NCA&T must be cleared of any possible export control regulations.
- Ship items to foreign nationals in accordance with EAR 732.5, “Steps Regarding Shipper’s Export Declaration or Automated Export System Record, Destination Control Statements, and Recordkeeping.”

Date Revision is Effective: Upon approval

First approved: September , 2011

Approved by the Chancellor

Harold L. Martin, Sr.
Chancellor

Clestine A. Ntuen
Interim Vice Chancellor for Research and Economic Development

SUMMARY: These revisions require proposed PIs to submit their materials to DORED earlier than previously required; requires research conduct training; adds requirements from BOG policy; and corrects typos and makes corrections.



**NORTH CAROLINA AGRICULTURAL AND
TECHNICAL STATE UNIVERSITY**

SEC. V—SPONSORED RESEARCH 1.0

REQUESTING A NO COST EXTENSION (NCE) ON AN AWARD

UNIVERSITY POLICY

Awards should be managed in such a way to avoid excessive requests for no cost extensions. In cases where a NCE is absolutely required, the principal investigator (PI) should submit a justification letter to the Vice Chancellor (VC) for the Division of Research and Economic Development (DORED) through the Office of Sponsored Programs. The letter should include the following information:

- **Summary of progress to date (Copy of the Progress Report)**
- **Reason why the work was not completed**
- **Length of additional time required to complete project objectives and justification**
- **An estimate of remaining funds and a detailed spending plan**

The VC for DORED will decide on the merits of the request based on a number of factors including, what percentage of the money has been spent, the history of the project including previous NCE if any, the merits of the proposed spending plan, etc. The VC may consult with the Dean/Associate Dean of the School/College, if necessary.

Upon approval by the Vice Chancellor and other appropriate university officials, the Grant Administrator will forward the request to the sponsor for consideration. If the extension is approved by the sponsoring agency, the Grants Administrator will update the profile and forward a copy of the extension to Contracts and Grants, with a copy to the PI. If the extension is not approved by the sponsor, the PI will be notified.

The guidelines for extending the period of an award are normally provided in the awarding agency guidelines. If the award is with the State or a private agency, the terms are normally stated in the award document. If the occasion arises when there are no guidelines or regulations covering a particular situation, DORED will be responsible for providing or obtaining the applicable guidelines.

Minor revisions approved by the Chancellor

Interim Vice Chancellor for Research and Economic Development

Date Revision is Effective: Upon approval

First approved: Prior to July 2006

Revised: March 2011

NEW POLICY

SUMMARY: This federally required policy mandates training for responsible research conduct by the PI (upon a submission of a proposal) and all working on the project (prior to beginning work). The PI is responsible for oversight of those working on the project.



NORTH CAROLINA AGRICULTURAL AND TECHNICAL STATE UNIVERSITY

SEC. – RESEARCH COMPLIANCE AND ETHICS 2.0

NSF AND NIH REQUIRED TRAINING IN RESPONSIBLE CONDUCT OF RESEARCH

ADMINISTRATIVE POLICY

Federal Requirements

Section 7009 of the COMPETES Act mandates that institutions applying for financial assistance from the National Science Foundation (NSF) provide training in the Responsible Conduct of Research (RCR) for undergraduate students, graduate students, and postdoctoral researchers participating in the proposed research project to be funded by NSF.[1] NSF has issued regulations, effective January 4, 2010, requiring that, at the time of proposal submission to NSF, a proposing institution's Authorized Organizational Representative certify that the institution has a plan to provide appropriate training and oversight in the responsible and ethical conduct of research to undergraduates, graduate students, and postdoctoral researchers who will be supported by NSF to conduct research.[2] The National Institutes of Health (NIH) has long had a similar requirement for trainees, fellows, participants, and scholars receiving support through any training, career development awards (individual or institutional), research education grants and dissertation research grants.[3]

North Carolina A&T State University Policy for Responsible Conduct of Research Training

For North Carolina A&T State University (NCAT) to comply with NSF and NIH requirements, the following constitutes NCAT's policy for training in Responsible Conduct of Research:

1. For all NSF and NIH applications for programs specified in the above described federal requirements, the principal investigator (PI) must agree to participate in NCAT's training protocols that govern the effective implementation of Responsible Conduct of Research (RCR).
2. The Division of Research and Economic Development (DORED) shall provide a two-part training program that includes online RCR training and recurring RCR lectures. A successful completion of the on-line training requires a minimum score of no less than 80%.
3. The PI will be required to successfully complete both parts of RCR training *upon submission of a proposal* to NSF or NIH.
4. All participants on a funded research project will be required to successfully complete both parts of RCR training *before* beginning work on a funded project.
5. The PI shall provide appropriate oversight in the responsible and ethical conduct of research to undergraduates, graduates and postdoctoral researchers supported on his/her research project.
6. If during the grant period additional faculty, undergraduate and graduate students, and/or postdoctoral researchers join the funded project, the project PI **MUST** inform the Office of Compliance of the addition of personnel; the new personnel must then become certified for RCR through the established training procedures outlined above.

Approved by the Chancellor

Interim Vice Chancellor for Research and Economic Development

Date Revision is Effective: Upon approval

First approved: February 2011

Revised:

REVISED POLICY

SUMMARY: These revisions require proposed PIs to submit their materials to DORED earlier than previously required; requires research conduct training; adds requirements from BOG policy; and corrects typos and makes corrections.



NORTH CAROLINA AGRICULTURAL AND TECHNICAL STATE UNIVERSITY

SEC. V– RESEARCH 1.0

RESEARCH PROPOSAL SUBMISSION

UNIVERSITY POLICY

- **RESEARCH PROPOSAL SUBMISSION**

Only the Division of Research and Economic Development (DORED) can submit research and research-related proposals on behalf of the University. As such, all research and research-related proposals to foundations, government agencies, public and private entities must be submitted through DORED. Sufficient time must be allotted for the Vice Chancellor and DORED staff to review and approve the proposal. Therefore, all research and research-related proposals should be submitted to DORED **five (5) business days prior to the closing date of the solicitation.**

All research proposals must be approved by the Departmental Chair and Dean of the School/College prior to DORED submitting the proposal on behalf of the

University. Such approvals are made through the University's Research Administration Integrated (RAMSES) Database System. Any proposal submitted to any entity outside of these procedures will not be considered an official proposal on behalf of the University and as such, imposes no responsibilities or encumbrances on the University.

All proposals must be accompanied by a copy of the sponsor's announcement, solicitation, RFP, RFQ or guideline document that specifies what the requirements are for the proposal. This is to give Sponsored Programs the required information to review the proposal for compliance with University and sponsor requirements.

Principal investigators submitting a proposal to the National Institutes of Health (NIH) or the National Science Foundation (NSF) must participate in the University's Responsible Conduct of Research (RCR) training provided through the Office of Research Compliance and Ethics in DORED. See the policy titled "NSF and NIH Required Training in Responsible Conduct of Research."

WHITE PAPER SUBMISSION

White Papers are concise, preliminary descriptions of projects that are submitted to funding agencies. White Papers are also called Project Summaries and Pre-Proposals. Funding agencies use White Papers (1) to determine whether potential projects address their funding priorities, and/or (2) to gather information on specific topics.

Funding agency guidelines regarding White Papers vary. Other information may be requested, in addition to project descriptions, such as strategies, partnerships and cost estimates. Some agencies require White Papers to be submitted by the University's Office of Sponsored Programs and others require them to be submitted by the Principal Investigator (PI).

The University requires that authors of White Papers follow the guidelines outlined in the solicitation or application and also to do the following:

- The PI should submit a Notice of Intent (NOI) as soon as the decision is made to respond to a request for a White Paper. The NOI should be submitted to the Division of Research and Economic Development (DORED) through RAMSES.
- The PI should submit the White Paper in accordance with Agency guidelines.
- If the guidelines require the University to submit the paper, the PI should submit the guidelines and White Paper to DORED in RAMSES at least five

business days prior to the submission deadline. No electronic approvals are required at this stage in the pre-award process.

- If the guidelines require the PI to submit the White Paper, the PI should still submit a copy of the paper and guidelines to DORED in RAMSES with a notation that the PI has submitted the White Paper and the date of submission.

AWARD PROCESSING

The purpose for internal processing procedures is to ensure compliance with federal and state laws and UNC policies, to clarify submission procedures and processing of awards for external sponsored program funds, and to ensure a uniform administrative process among the constituent UNC institutions. The guidelines provided comply with the University of North Carolina General Administration (GA) Policy Manual Chapter 500 – Sponsored Programs, Research, and Intellectual Property.

UNC-GA specifies that each constituent institution should perform the following:

- Ensure that sponsored programs are conducted and funds are used in a manner consistent with federal and State laws and University policies
- Ensure that sponsored programs funds reside in a designated University account
- Ensure that a statement of work and budget exists that explain the purpose and use of each sponsored program's funds, and
- Ensure that only those with delegated authority enter into agreements that commit the university to provide for the delivery of goods or services.

The Principal Investigator/Project Director will:

- ❖ Receive award documents and request the Budget Create form from the Office of Sponsored Programs (OSP)
- ❖ Review award document and inform the OSP of any questions or concerns
- ❖ Determine acceptance of award. Read terms and conditions, prepare the Budget Create form in accordance with the agency approved budget, return the budget form to OSP (please contact OSP if budget assistance is required).
- ❖ Discuss start-up conference date and any other award issues with your Grant Administrator (GA).
- ❖ Discuss the financial management of your award with your assigned university accountant

Conduct sponsored program activities in accordance with the highest ethical standards

- ❖ Adhere to all federal and state laws and University policies

The Grant Administrator will:

- ❖ Process administrative paperwork associated with setting up the award and remain available to answer any questions the PI may have about the award
- ❖ Request the grant and fund numbers from Contracts and Grants
- ❖ Provide Award Packet to Contracts and Grants and PI to include the following:
 - Award Agreement
 - Composite Profile with Account Number
 - Budget Create Form
 - Proposal
 - Approved Budget (may be attached to Award or Proposal)
 - Award Review Sheet
 - Compliance Approvals (if applicable)
 - IP Approvals (if applicable)
 - University Employee Cost-Sharing Form (if applicable)
 - Faculty Release Form (if applicable)
 - Other Guidance Documents (if applicable)
- ❖ Assist in developing an appropriate management plan for implementation and administration of award
- ❖ Work with the project through the life of the project

ADDITIONAL REQUIREMENTS FOR PI/PROJECT DIRECTOR

- ❖ Read the Guidelines and follow terms and conditions
- ❖ Maintain consistent communication with the agency technical contact
- ❖ Follow all instructions
- ❖ Be familiar with University rules and processes
- ❖ Know the key players and their roles in C&G, Purchasing, HR, etc.
- ❖ Obtain institutional approvals for Research Compliance, if necessary

- ❖ Ensure that costs are related to the project that they benefit
- ❖ Ensure that costs are reasonable (Would a “prudent person” find these costs to be reasonable?)
- ❖ Monitor expenses to be sure charges may do not exceed project award

PRINCIPAL INVESTIGATOR (PI) ELIGIBILITY

All tenured and tenure-track faculty members may submit proposals for support of research and scholarly projects. All proposals must be approved by a faculty member’s unit or department head and Dean before submission to the Vice Chancellor for Research & Economic Development for final campus approval. Non-tenure-track faculty members, employees, and postdoctoral fellows with term appointments may submit proposals with prior approval from their Dean and the Vice Chancellor for Research & Economic Development.

Before outside research support is accepted, each member of the faculty and research staff is responsible for making provisions acceptable to the department chair to sustain his or her University commitments. Once a member of the faculty or research staff accepts outside sponsorship of a project that will be of benefit to the University, he or she has an obligation to complete the project in a timely manner, including any obligation to file reports as called for by the sponsored research agreement.

Copies of any reports or electronic deliverable files should be sent to DORED at the time of submission to the funding agency. In the event the deliverable cannot be stored in paper or electronic copy, the PI should send a copy of the transmittal letter to DORED.

BUDGET REVISIONS

There is considerable variation in sponsor policies relative to budget revisions. Accordingly, award terms and/or guidelines must be consulted when revisions are contemplated. To the extent possible, budget revisions should reflect all necessary reallocations of resources that are foreseen through the end of the budget period. Requests for budget revisions are submitted to DORED on a Request for Budget Allotment Form ([http://businessfinance.ncat.edu/Budget%20\(Allotment\)%20Form.xls](http://businessfinance.ncat.edu/Budget%20(Allotment)%20Form.xls)).

If prior Agency approval is required for a budget revision, a request letter, prepared by Principal Investigator, sufficiently detailing the revision and justification should be

addressed to the Agency administrator or program officer as designated in the award. This letter must be submitted to DORED for review and submission. Upon approval by the Agency, the budget revision will be initiated by the Grant Administrator.

Budget requests not requiring Agency approval are reviewed and processed by the Budget Manager.

CLOSEOUT

Project closeout is an administrative process that is handled by DORED. A pre-closeout review is conducted to verify the project's status. DORED issues a Notice of Project Closeout and Patent and Subcontract Questionnaire when applicable. The notice of project closeout indicates the required closeout actions have been distributed to the Project Director/Principal Investigator, administrative network representative, Contracts and Grants, property management office, and others as appropriate. The requirements for project closeout are established by contractual provision and/or Agency regulations. DORED monitors the submission of closing documents by recording the date that items are received. When all closing actions are completed, the project history becomes the permanent record of the project, and is enter into RAMSES. Permanent records are maintained in the closed file on the close out shelf and arranged by project number.

Minor revisions approved by the Chancellor

Interim Vice Chancellor for Research and Economic Development

Date Revision is Effective: Upon approval

First approved: Prior to February 2008

Revised: